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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,332	06/18/2001	Jean-Claude Fournier	T214-907321	8912
181	7590	06/20/2005	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,332

Applicant(s)

FOURNIER ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-7, 10-14, 17-20 and 22-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Donovan et al, U.S. Patent No. 6,519,468 (hereinafter Donovan).

Regarding claim 1, Donovan discloses a message transmission system including a telecommunication network (150) comprising a communication server and at least one wireless telephone (182), the server (see Figure 2) comprising means for sending messages to said at least one wireless telephone, the wireless telephone being equipped with means for storing and means for processing messages, each message comprising a first field containing

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information relating to the type profile of the recipient of the message, and the processing means including means for comparing the profile stored in each wireless telephone relative to the subscriber using the wireless telephone with the profile contained in the message and authorizing the storage of the message if the profile of the subscriber using the wireless telephone is compatible with the type profile contained in the first field of the message (see Figure 5).

Regarding claim 2, see column 8.

Regarding claim 3, see column 3.

Regarding claim 4, see column 3.

Regarding claim 5, see column 8.

Regarding claim 6, see column 8.

Regarding claim 7, see column 8.

Regarding claim 10, see column 8.

Regarding claim 11, see column 8.

Regarding claim 12, see column 8.

Regarding claim 13, see column 7.

Regarding claim 14, see column 7.

Claim 17 is rejected for the same reasons as claim 1.

Regarding claim 18, see Figure 5.

Regarding claim 19, see column 8.

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Regarding claim 20, see column 8.

Regarding claim 22, see column 8.

Claim 23 is rejected for the same reasons as claim 1.

Regarding claim 24, see column 8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8, 9, 15 and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Donovan in view of Alperovich et al, U.S. Patent No. 6,119,014 (hereinafter Alperovich).

Regarding claim 8, Donovan does not show the claimed counter. However Alperovich teaches this limitation (see column 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Donovan with the message of Alperovich. This modification would have improved the convenience of Donovan by allowing an SMS

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message to be displayed at predefined intervals as suggested by Alperovich.

Claim 9 is rejected for the same reasons as claim 8.

Regarding claim 15, Donovan inherently teaches the claimed searching limitation (see Figure 5) but Donovan fails to show the claimed erasing limitation. However Alperovich teaches this limitation (see column 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Donovan with the message of Alperovich. This modification would have improved the convenience of Donovan by allowing an SMS message to be displayed at predefined intervals as suggested by Alperovich.

Regarding claim 16, Donovan does not show the claimed notifications. However Alperovich teaches this limitation (see column 4). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Donovan with the message of Alperovich. This modification would have improved the convenience of Donovan by allowing an SMS message to be displayed at predefined intervals as suggested by Alperovich.

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Allowable Subject Matter

5. Claim 21 is allowed because the Prior Art of record does not teach the claimed sending step.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.
Olisa Anwah
Patent Examiner
May 24, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
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